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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/747,911

12/22/2000

Silverio C. Vasquez

Raamot 14-8 (1501-0025)

4426

7590

07/30/2004

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EXAMINER

PHUNKULH, BOB A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,911

Applicant(s)

VASQUEZ ET AL.

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 0200.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the applicant failed to provides the US application number cited under the cross reference related applications. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 7 is objected to because of the following informalities: it is not clear whether "a unilateral path" cited in lines 7, 10 and 11 is the same path cited in lines 4-5. If they are the same link, correct the subject matter to either –said unilateral path—or –the unilateral path–. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for -failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1-17, it is not clear what the "n"; "i"; "j"; and B(j,i) represent. If they represent variables, defines the ranges and limitations of the variables. The claims are rejected since the metes and bounds of the subjects matters can't be determined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 rejected under 35 U.S.C. 102(b) as being anticipated by Dohod et al. (US 5,682,383), hereinafter Dohod.

Regarding claim 1, Dohod discloses a switching system having n ports with each of the ports being coupled to a local area network via a Hub, the connectivity between the inputs and outputs of the n ports forming first and second matrixes of cross points, each cross point in the first matrix establishing a unilateral communication path from a source port to a destination port, each cross point in the second matrix providing a complementary connection from the destination port to the source port, a method of establishing a transmission operation from a Hub (i) coupled to a source port (i) to a Hub (j) coupled to a destination port (j), the method comprising the steps of:

a) activating a cross point B(j, i) in the second matrix to establish a first unilateral path from the destination port (j) to the source port (i); b)

detecting, via the first unilateral path connection from the destination port (j) to the source port (i), whether the Hub (j) is idle; and

c) generating collision signal, at the source port (i) when the Hub (j) is not idle (the switch matrix comprises a plurality of segment lines (or other transmission media) each of which is used to form one collision domain or Ethernet segment. Switch elements under the control of a

microcontroller selectively connect particular repeater groups (and the associated user groups) to particular segment lines to form Ethernet segments, each Ethernet segment being a single collision domain. Internetworking devices such as bridges and routers may also be connected to the switch matrix to interconnect particular collision domains, see abstract and col. 3 lines 11-44).

Regarding claim 4, Dohod discloses employing a control circuit to activate the cross point B(j, i) in the second matrix (microcontroller, see abstract).

Claims 18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (US 5,475,383), hereinafter Ohta.

Regarding claim 18, Ohta discloses a switching system having n ports with each of the ports being coupled to a local area network via a Hub, a switching arrangement comprising:

a) a first matrix of cross points, each cross point selectively and controllably connecting one of n port transmit lines to one of n port receive lines, thereby establishing a unilateral communication path from a source port to a destination port (see figure 3); and

b) a cross point control circuit (output controller 8, figure 3) operably coupled to controllably activate an associated cross point of the first matrix, the associated cross point connecting a select port transmit line and a select port receive line, the cross point control circuit further operably coupled to the select port transmit line to receive cross point control information therefrom, the cross point control circuit operable to activate

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the associated cross point responsive to cross point control information therefrom (see col. 1 lines 60 to col. 2 line 18).

Regarding claim 20, Ohta discloses a first input connected to a source of cross point control information, and a second input connected to a source of packet data, and a third input connected to a source of delayed packet data (see figure 3).

Allowable Subject Matter

Claims 2-3, 5-6, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

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Hand-delivered responses should be brought to Crystal Park II, 2021

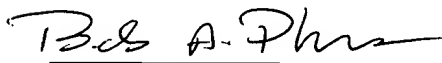
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh



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July 26, 2004